

### SUBCHAPTER III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIME-TABLES

#### § 1951. Information availability to and disclosure by Secretary

##### (a) Copy of final decree or order; other information; anonymity affidavit; exemption from Freedom of Information Act

Any State court entering a final decree or order in any Indian child adoptive placement after November 8, 1978, shall provide the Secretary with a copy of such decree or order together with such other information as may be necessary to show—

- (1) the name and tribal affiliation of the child;
- (2) the names and addresses of the biological parents;
- (3) the names and addresses of the adoptive parents; and
- (4) the identity of any agency having files or information relating to such adoptive placement.

Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act (5 U.S.C. 552), as amended.

##### (b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment

Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

(Pub. L. 95-608, title III, §301, Nov. 8, 1978, 92 Stat. 3077.)

#### § 1952. Rules and regulations

Within one hundred and eighty days after November 8, 1978, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95-608, title III, §302, Nov. 8, 1978, 92 Stat. 3077.)

### SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

#### § 1961. Locally convenient day schools

##### (a) Sense of Congress

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

##### (b) Report to Congress; contents, etc.

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

##### CHANGE OF NAME

"Department of Health and Human Services" substituted for "Department of Health, Education, and Welfare" in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### § 1962. Copies to the States

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

#### § 1963. Severability

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

### CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS

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2000. Declaration of policy.

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2001.	Accreditation for the basic education of Indian children in Bureau of Indian Affairs schools. (a) Purpose; declarations of purpose. (b) Accreditation. (c) Annual plan. (d) Closure or consolidation of schools. (e) Application for contracts or grants for non-Bureau-funded schools or expansion of Bureau-funded schools. (f) Joint administration. (g) General use of funds. (h) Study on adequacy of funds and formulas.		(e) Combining funds. (f) Availability of funds. (g) Treatment of funds. (h) Treatment of entity operating other programs. (i) Studies for determination of factors affecting costs; base rates limits; standard direct cost base; report to Congress. (j) Authorization of appropriations. (k) Applicability to schools operating under Tribally Controlled Schools Act of 1988. (l) Administrative cost grant budget requests.
2002.	National criteria for home-living situations. (a) Revision of standards. (b) Implementation. (c) Plan. (d) Waiver. (e) Closure for failure to meet standards prohibited.	2009.	Division of Budget Analysis. (a) Establishment. (b) Functions. (c) Annual reports. (d) Use of reports.
2003.	Codification of regulations. (a) Part 32 of Title 25, Code of Federal Regulations. (b) Definition of regulation.	2010.	Uniform direct funding and support. (a) Establishment of system and forward funding. (b) Local financial plans for expenditure of funds. (c) Tribal division of education, self-termination grant and contract funds. (d) Technical assistance and training. (e) Summer program of academic and support services. (f) Cooperative agreements. (g) Product or result of student projects. (h) Matching fund requirements.
2004.	School boundaries. (a) Establishment by Secretary. (b) Establishment by tribal body. (c) Boundary revisions. (d) Funding restrictions. (e) Reservation as boundary. (f) Off-reservation home-living (dormitory) schools.		
2005.	Facilities construction. (a) National survey of facilities conditions. (b) Compliance with health and safety standards. (c) Compliance plan. (d) Construction priorities. (e) Hazardous condition at Bureau-funded school. (f) Funding requirement. (g) No reduction in Federal funding.	2011.	Policy for Indian control of Indian education. (a) Facilitation of Indian control. (b) Consultation with tribes.
2006.	Bureau of Indian Affairs education functions. (a) Formulation and establishment of policy and procedure; supervision of programs and expenditures. (b) Direction and supervision of personnel operations. (c) Inherent Federal function. (d) Evaluation of programs; services and support functions; technical and coordinating assistance. (e) Construction, improvement, operation, and maintenance of facilities. (f) Acceptance of gifts and bequests. (g) Definition of functions.	2012.	Indian education personnel. (a) In general. (b) Regulations. (c) Qualifications of educators. (d) Hiring of educators. (e) Discharge and conditions of employment of educators. (f) Applicability of Indian preference laws. (g) Compensation or annual salary. (h) Liquidation of remaining leave upon termination. (i) Transfer of remaining sick leave upon transfer, promotion, or reemployment. (j) Ineligibility for employment of voluntarily terminated educators. (k) Dual compensation. (l) Voluntary services. (m) Proration of pay. (n) Extracurricular activities. (o) Definitions. (p) Covered individuals; election. (q) Furlough without consent. (r) Stipends.
2007.	Allotment formula. (a) Factors considered; revision to reflect standards. (b) Pro rata allotment. (c) Annual adjustment; reservation of amount for school board activities. (d) Reservation of amount for emergencies. (e) Supplemental appropriations. (f) Eligible Indian student defined. (g) Tuition. (h) Funds available without fiscal year limitation. (i) Students at Richfield dormitory, Richfield, Utah.	2013.	Computerized management information system. (a) In general. (b) Implementation of system.
2008.	Administrative cost grants. (a) Definitions. (b) Grants; effect upon appropriated amounts. (c) Determination of grant amount. (d) Administrative cost percentage rate.	2014.	Recruitment of Indian educators.
		2015.	Annual report; audits. (a) Annual reports. (b) Budget request. (c) Financial and compliance audits. (d) Administrative evaluation of schools.
		2016.	Rights of Indian students.
		2017.	Regulations. (a) Promulgation. (b) Miscellaneous.
		2018.	Regional meetings and negotiated rule-making. (a) Regional meetings.

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- (b) Negotiated rulemaking.
- (c) Application of section.
- 2019. Early childhood development program.
  - (a) In general.
  - (b) Amount of grants.
  - (c) Application.
  - (d) Requirement of programs funded.
  - (e) Coordination of family literacy programs.
  - (f) Administrative costs.
  - (g) Authorization of appropriations.
- 2020. Tribal departments or divisions of education.
  - (a) In general.
  - (b) Applications.
  - (c) Diversity.
  - (d) Use.
  - (e) Priorities.
  - (f) Time period of grant.
  - (g) Terms, conditions, or requirements.
  - (h) Authorization of appropriations.
- 2021. Definitions.

## CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321; Pub. L. 104-140, May 2, 1996, 110 Stat. 1327; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105-362, Nov. 10, 1998, 112 Stat. 3280; Pub. L. 106-554, Dec. 21, 2000, 114 Stat. 2763. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 107-110 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2007.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 458bbb-2, 2502, 2504 of this title; title 20 sections 3489, 7426.

**§ 2000. Declaration of policy**

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children and for the operation and financial support of the Bureau of Indian Affairs-funded school system to work in full cooperation with tribes toward the goal of ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

(Pub. L. 95-561, title XI, § 1120, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2007.)

## EFFECTIVE DATE

Chapter effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive pro-

grams, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

## SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-110, title X, § 1041, Jan. 8, 2002, 115 Stat. 2007, provided that: "This part [part D (§§ 1041-1045) of title X of Pub. L. 107-110, enacting this chapter and sections 2501 to 2511 of this title, amending section 13d-2 of this title, and repealing former sections 2501 to 2511 of this title] may be cited as the 'Native American Education Improvement Act of 2001'."

## SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-297, title V, § 5101, Apr. 28, 1988, 102 Stat. 363, provided that: "This part [part A (§§ 5101-5120) of title V of Pub. L. 100-297, enacting sections 2008a, 2022a, and 2022b of this title, amending sections 2001 to 2005, 2008 to 2011, and 2019 of this title, repealing section 241bb-1 of Title 20, Education, enacting provisions set out as notes under section 2011 of this title and section 1411 of Title 20, and repealing provisions set out as a note under section 241aa of Title 20] may be cited as the 'Indian Education Amendments of 1988'."

## SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-89, § 1(a), Aug. 15, 1985, 99 Stat. 379, provided that: "This Act [amending sections 2001, 2004, 2006, 2008, 2009, 2016, 2020, 2021, and 2022 of this title, repealing section 2023 of this title, and enacting provisions formerly set out as a note under section 2001 of this title] may be cited as the 'Indian Education Technical Amendments Act of 1985'."

## SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-511, title V, § 501(a), Oct. 19, 1984, 98 Stat. 2391, provided that: "This title [enacting sections 2020 to 2023 of this title, amending sections 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018 of this title, and sections 241aa to 241ff, 1211a, 1221g, 3385, 3385a, and 3385b of Title 20, Education, and enacting provisions set out as a note under section 241ff of Title 20] may be cited as the 'Indian Education Amendments of 1984'."

## THERAPEUTIC MODEL DEMONSTRATION SCHOOLS

Pub. L. 103-382, title V, § 566, Oct. 20, 1994, 108 Stat. 4059, provided that:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools, based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

"(2) PURPOSE.—The purpose of the therapeutic model demonstration schools is—

"(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

"(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

"(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

"(b) LOCATION.—The Secretary shall initiate the therapeutic model at two schools during school years 1994 through 1996, and shall give priority to—

"(1) one school that is the recipient of a grant under section 5204 of the August [Augustus] F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 [25 U.S.C. 2503] during the 1994-1995 school year; and